

An Act Further Defining Comparable Work, H 1767

Sen. Jehlen and Rep. Story, Lead Sponsors

Women, their families, and their communities need a clear comparable work definition.

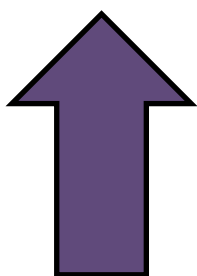
This bill would clarify the current equal pay law and allow women in traditionally female held positions to be paid more fairly, thus helping close the wage gap in Massachusetts.

Women in Massachusetts rank **1st** as the most highly educated in the United States, but rank **37th** in the nation for pay equity, earning only **77 percent** of what their male counterparts earn. Moreover, federal equal pay legislation as well as 24 other states' equal pay legislation contains more descriptive language than that of Massachusetts.¹

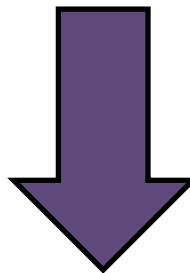
WHY PASS H1767?

1	Women, in all positions and across all levels of earnings, should be paid equally!
2	It addresses a Massachusetts Supreme Judicial Court Order by specifying that jobs of equal skill, effort, responsibility, and working conditions shall be treated equitably. ²
3	There's no cost if employers are already paying male and female employees equally under the law.
4	24 other states have similar equal pay legislation.

ECONOMIC BENEFITS OF EQUAL PAY



- Consumer spending
- Household income
- Savings
- Pensions



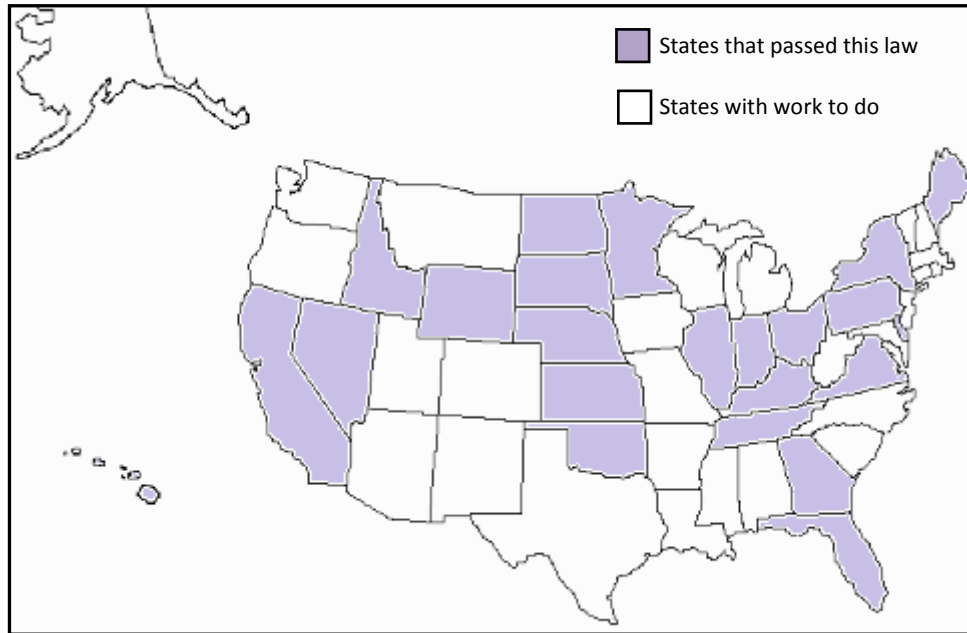
- Poverty levels
- Need for government assistance
- Wage gap

¹ Sources: U.S. Census Bureau, 2011 American Community Survey data. U.S. Census Bureau, *Current Population Reports. Income, Poverty, and Health Insurance Coverage in the United States: 2011* Washington, DC: U.S. Government Printing Office.

² *Jancey v. School Comm. Of Everett*, 421 Mass. 482 (1995); *Jancey v. School Comm. of Everett*, 427 Mass. 603 (1998).

TWENTY-FOUR STATES HAVE PASSED THIS LAW

California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and Wyoming.



Federal vs. Massachusetts Equal Pay Legislation

Federal Legislation

Equal Pay Act of 1963 (SEC. 206, Section 6)

“No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex.”

Massachusetts Legislation

Chapter 149 Section 105A (2010 Official Edition)

“No employer shall discriminate in any way in the payment of wages as between the sexes, or pay any person in his employ salary or wage rates less than the rates paid to employees of the opposite sex for work of like or comparable character or work on like or comparable operations; provided, however, that variations in rates of pay shall not be prohibited when based upon a difference in seniority.”

Proposed Massachusetts Legislation ***An Act Further Defining Comparable Work (H1767)***

Section 105A of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the first sentence the following sentence:-

“In any action brought under this section, the comparability of two positions shall be solely based on whether the two positions entail comparable skill, effort, responsibility and working conditions between employees of the opposite sex.”